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Paper No. 7

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SEP 10 2002

OFFICE OF PETITIONS

In re Application of :
Jon Strong, Jay Werb, and Colin Lanzl :
Application No. 10/036,710 : **DECISION ON PETITION**
Filed: December 21, 2001 :
Attorney Docket No. P00723/70048 JNA :
Title: METHOD AND APPARATUS FOR :
INTEGRATING WIRELESS :
COMMUNICATION AND ASSET :
LOCATION :

This is in response to the petition under 37 C.F.R. §1.47(a)¹, filed June 6, 2002.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR §1.47(a)."

On December 21, 2001, the application was deposited, identifying Jon Strong, Jay Werb, and Colin Lanzl as joint inventors. The application was deposited without a fully executed oath or

¹A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application;
- (3) a statement of the last known address of the non-signing inventors;
- (4) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review;
- (5) proof that the non-signing inventor refuses to sign the oath or declaration after having been presented with the application papers if the inventor refuses to sign, or proof that diligent efforts have been made to locate the non-signing inventor if he or she cannot be found, and;
- (6) a declaration which complies with 37 CFR §1.63.

declaration (inventor Strong failed to execute the declaration). On February 26, 2002, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that an executed oath or declaration and a surcharge of \$65.00 were required. This Notice set a two-month period for reply.

With the instant petition, the petitioner has included the filing fee for the petition, the \$65.00 surcharge, a one-month extension of time to make timely this reply, a copy of an employment agreement signed by the non-signing inventor, a copy of the letter sent to the non-signing inventor, and a copy of his response.


Petitioner has met requirements (1) – (5) of 37 C.F.R. §1.47(a) above.

Regarding the sixth requirement above, no copy of the of the oath or declaration pertaining to the instant application has been submitted with this case². The Rule 47(b) applicant must sign on behalf of the non-signing inventors, and the submitted declaration of the parent application is not relevant to the present application³.

In light of the recent events, the USPTO strongly prefers that the reply to this letter be submitted by facsimile⁴. However, if applicant cannot submit the reply to this letter by facsimile (or hand-delivery⁵), the reply may be mailed⁶.

The application file will be retained in the Office of Petitions for two (2) months.

Telephone inquiries should be directed to Petitions Attorney Paul Shanowski at (703) 305-0011.

for 

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

² The declaration submitted upon filing is associated with Application No. 09/791,037, of which the instant application is a continuation of.

³ See 37 CFR 1.63(d)(3).

⁴ (703) 308-6916, Attn: Office of Petitions.

⁵ Office of Petitions, 2201 South Clark Place, Crystal Plaza 4, Suite 3C23, Arlington, VA 22202.

⁶ Commissioner for Patents, Box DAC, Washington, DC 20231.